

APPENDIX A

Reasonable and Prudent Alternative Provision Number 5 (USFWS, 1997)

Immediate habitat protection/restoration. Reclamation shall immediately initiate a program to protect approximately 1,400 ac (565 ha) of currently unprotected riparian habitat that is currently used by southwestern willow flycatchers, preferably in the LCR area, but if insufficient land is available, then elsewhere within the southwestern willow flycatcher's range. If insufficient seasonally occupied habitat can be identified to be in need of protection, then unoccupied, but high potential, habitat may be protected instead. All the required protections for at least 500 ac (202 ha) must be in place by January 1, 1999, and any necessary ecological restoration of the newly protected sites, including, but not limited to, cottonwood/willow reforestation, must be initiated by that date; all the required protections for the remaining areas necessary to comprise 1,400 ac total must be in place by January 1, 2001, and any necessary ecological restoration of the additional newly protected sites must be initiated by that date.

Protection can occur through acquisition, easements, partnerships, ecological restoration, etc., that result in long-term preservation of the habitat from destruction and from alteration in ways that would decrease its value as flycatcher habitat. The order of priority shall be: 1) occupied habitat on the LCR, 2) occupied habitat elsewhere in the flycatcher's range, 3) unoccupied, potential habitat on the LCR, and 4) unoccupied, potential habitat elsewhere in the flycatcher's range. Reclamation shall immediately initiate a rangewide evaluation to identify suitable lands requiring protection for the recovery of the southwestern willow flycatcher (to be done in conjunction with the plan called for in the long-term flycatcher alternative compensation habitat provision, number 11, below).

Reasonable and Prudent Alternative Provision Number 11 (USFWS, 1997)

Alternative compensation habitat. Reclamation shall take part in a long-term program of on- and off-site compensation for historical southwestern willow flycatcher habitat that is lost and is not restorable on the LCR because of the effects of Reclamation's continuing operations and maintenance activities. This shall be coordinated with the rangewide evaluation called for in flycatcher short-term provision number 5, above, and with the Southwestern Willow Flycatcher Recovery Plan (in progress) and other efforts of the Southwestern Willow Flycatcher Recovery Team. The on-site compensation is additive to the requirements of provision number 5, above, and may be done in conjunction with provision number 14, below, on ecological restoration. The off-site compensation habitat, if not already used by southwestern willow flycatchers, will be managed to eliminate or sufficiently reduce the factors limiting to the species. By January 1, 1999, Reclamation shall present a plan to the MSCP for funding and implementation of the long-term program, e.g., through acquisition, easements, partnerships, ecological restoration, etc., with the goal of initiating implementation by May 15, 2001. Alternative off-site compensation approaches that may be developed through the MSCP, that are aimed at achieving the same goals, could satisfy this provision.

This compensation represents the amount of historical southwestern willow flycatcher habitat lost or precluded from developing into suitable flycatcher habitat due to inundation, lack of flooding, widely fluctuating water levels, exotic species encroachment, water quality, soil salinity, or permanent structures because of the continuing effects of Reclamation's facilities and operations. Criteria for suitable or potential flycatcher habitat are found in the Status of the Species—Habitat Use section of this BO. Reclamation, in conjunction with flycatcher short-term provision number 5, above, on immediate

habitat protection, shall immediately initiate a rangewide evaluation to identify suitable lands requiring protection for the recovery of the flycatcher; this shall be coordinated with other flycatcher recovery efforts undertaken in the future by the Service, as well as with any flycatcher conservation efforts undertaken through the MSCP. As in provision number 5, protection can occur through acquisition, easements, partnerships, ecological restoration, etc., that result in long-term preservation of the habitat from destruction and from alteration in ways that would decrease its value as flycatcher habitat.